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Alaska Native Tribal Health Consortium
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Division of Environmental Health and Engineering

Cooperative Project Agreement

**C
P
A**

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Native Village of Port Graham, Alaska
Project No. AN 09-GL3
September 2009

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NATIVE VILLAGE OF PORT GRAHAM, ALASKA**

PROJECT NO. AN 09-GL3

To complete this project, the ANTHC and the Native Village of Port Graham mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY:

3 Sep 09
Date

M. Chard
Michael Chard, P.E.
Project Manager
DEHE, ANTHC

RECOMMENDED BY:

9/3/09
Date

Paul C. Morrison
Paul C. Morrison, P.E.
Health Facilities Manager
DEHE, ANTHC

APPROVED BY:

9/7/09
Date

Don Kashevaroff
Don Kashevaroff
Chief Executive Officer
ANTHC

APPROVED BY:

9-16-09
Date

Patricia Nam
President, Native Village of Port
Graham, Alaska

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NATIVE VILLAGE OF PORT GRAHAM, ALASKA**

PROJECT NO. AN 09-GL3

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
NATIVE VILLAGE OF PORT GRAHAM, ALASKA**

PROJECT NO. AN 09-GL3

DATE OF AGREEMENT:
September 2009

A. INTRODUCTION

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Port Graham Village Council	=	Tribe
Native Village of Port Graham	=	Village
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated April 2008. This MOU defines the roles and responsibilities of each party.
- This Agreement defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award 185-05 Amendment 10, dated April 2009.

B. SCOPE OF PROJECT

This project will fund the repair and renovation work in the Anesia Anahonak Moonin Clinic which includes renovating 989 square feet of space in the clinic to accommodate dental health services in Port Graham, Alaska.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost*	Extended Cost	Funding Sources
						Commission
M-CL	Repair and Renovation	1	LS	\$ 99,946.00	\$ 99,946.00	\$ 79,973
Total					\$ 99,946.00	\$ 79,973

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2005</u>	<u>185-05</u>	<u>\$ 79,973</u>
Matching funds			
<u>Village</u>	<u>NA</u>	<u>Contribution</u>	<u>\$ 19,973</u>
TOTAL PROJECT FUNDING			<u>\$ 99,946</u>

The Commission stipulates that each project include an in-kind cost share contribution. For this project, the Commission's award constitutes approximately 80% of the funding and the cost share contribution constitutes a minimum of 20% of the funding. Therefore, this CPA identifies a matching contribution from the Native Village of Port Graham and Chugachmiut in the amount of \$19,973. This funding will be added to the Commission project cost amount of \$79,973, bringing the total project cost amount to \$99,946.

Commission funding for this health facility improvement project has been made available to the ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an FAA, between the Denali Commission and the ANTHC. The Denali Commission issued a Project Authorization to begin this work.

It is understood that funding transfers will be made to ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to ANTHC. By signing this Agreement, the Native Village of Port Graham is assuring that its funding and funding from other contributing agencies, if applicable, shall be made available to the project. If matching or other funding sources are unavailable, project activities may be curtailed.

The Native Village of Port Graham shall not be obligated to continue performance that requires an expenditure of more funds than awarded under this CPA plus funding from other sources as specified in the funding application to the Denali Commission. If the Native Village of Port Graham has reason to believe that the total amount required for performance will be greater than the amount of this CPA plus any other funding source amounts so specified as initially available, the Native Village of Port Graham shall provide notice to ANTHC within 10 days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the Native Village of Port Graham may suspend performance until sufficient additional funds are awarded, or complete the project without additional funding assistance through this CPA.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, 185-05, Amendment 10 dated April 2009, the following project management methodology option has been selected by the Native Village of Port Graham:

The project work will be managed by the Native Village of Port Graham and its contractor. In its award, the Commission has authorized a sole source contract with North Pacific Rim Housing Authority (Prime Contractor). A request to change the prime contractor shall be made in writing and approved by ANTHC. ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by ANTHC.

The Native Village of Port Graham shall provide ANTHC a copy of its justification to use a sole source contract. The justification shall be authorized at the highest level within its organization. The justification is a requirement of award 185-05, Amendment 10. The justification shall be provided prior to the first draw request.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "Performance Period" specified within the Commission's Financial Assistance Award or subsequent Project Authorizations.

E. SUSTAINED OPERATIONS CONSIDERATIONS

The Native Village of Port Graham will assume ownership and responsibility for all operation and maintenance of facilities constructed under this project.

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. The NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (e.g., human burials, associated items, and/or archaeological artifacts), the Native Village of Port Graham will ensure that the Port Graham Village Council will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Port Graham Village Council requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Port Graham Village Council.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.

- Acknowledging that the Port Graham Village Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Port Graham Village Council reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the Port Graham Village Council are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the NAGPRA if appropriate.
- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Port Graham Village Council alone.

G. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Operations, DEHE.

H. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the Native Village of Port Graham.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 3, "Provisions for Local Participant Management of Force Account Labor and Local Procurement of Force Account Management"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by the ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html>
(applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html>
(applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html>
(applies to all Agreements)
- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html>
(applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
<www.whitehouse.gov/OMB/circulars/a122/a122.html> (applies to non-profits)

APPENDIX

Denali Commission Environmental Determination



Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

907.271.1414 *tel*
907.271.1415 *fax*
888.480.4321 *toll free*
www.denali.gov

September 2, 2009

Mr. Paul Morrison
Health Facilities Manager
Alaska Native Tribal Health Consortium
1901 Bragaw Street
Anchorage, AK 99508

Re: Environmental Determination for Port Graham Dental Clinic

Dear Mr. Morrison:

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the Commission concurs with the environmental review conducted under the Indian Health Service (IHS) Environmental Information and Documentation process for the following project:

Port Graham Dental Clinic – Project Number: AN09-GL-3

Please contact Ms. Nancy Merriman of my staff, nmerriman@denali.gov or at 271-1779 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tessa L.D. Rinner".

for Tessa L.D. Rinner, MPA
Director of Programs

File: Chronological